



#3/a  
Patent  
09/938491

Attorney's Docket No. 032751-070



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REQUEST FOR FILING CONTINUATION/DIVISIONAL  
APPLICATION UNDER 37 C.F.R. § 1.53(b)

Box PATENT APPLICATION

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This is a request for filing a [ ] continuation [X] divisional application under 37 C.F.R. § 1.53(b) of pending Application No. 09/467,952 filed on December 21, 1999, for METHOD FOR THE PREPARATION OF A VIRAL VECTOR BY INTERMOLECULAR HOMOLOGOUS RECOMBINATION, by the following named inventor(s):

- (a) Full Name Cécile CHARTIER  
(b) Full Name Eric DEGRYSE  
(c) Full Name

- [ ] Applicant(s) hereby requests that the above-captioned application **NOT BE PUBLISHED** under 35 U.S.C. § 122(b) and 37 C.F.R. § 1.211. The undersigned hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.
- [X] The entire disclosure of the prior application from which a copy of the oath or declaration is supplied herewith is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- [ ] This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(2), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application.

- (a) Full Name  
(b) Full Name  
(c) Full Name

- [ ] This application is being filed by more than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(5), a new oath or declaration is enclosed, and the Commissioner is requested to add the name(s) of the following person or persons who are inventors of the invention being claimed in this application.

- (a) Full Name  
(b) Full Name  
(c) Full Name



21839

09938491-082701

- ☐ Applicant(s) suggests Figure \_ for inclusion on the front page of the patent application publication and/or patent.
1. ☒ Enclosed is a copy of the prior Application No. 09/467,952 as originally filed on December 21, 1999, including copies of the specification, claims, drawings and the executed oath or declaration as filed.
2. ☐ Enclosed is a revised prior application and a copy of the prior executed oath or declaration as filed. No new matter has been added to the revised application.
3. ☐ Small entity status is hereby claimed.
4. ☒ The filing fee is calculated below ☒ and in accordance with the enclosed preliminary amendment:

C L A I M S					
	NO. OF CLAIMS		EXTRA CLAIMS	RATE	FEE
Basic Application Fee					\$710.00 (101)
Total Claims	16	MINUS 20 =	-0-	× \$18.00 (103) =	-0-
Independent Claims	1	MINUS 3 =	-0-	× \$80.00 (102) =	-0-
If multiple dependent claims are presented, add \$270.00 (104)					
Total Application Fee					\$710.00
If small entity status is claimed, subtract 50% of Total Application Fee					
Add Assignment Recording Fee of \$_ if Assignment document is enclosed					
<b>TOTAL APPLICATION FEE DUE</b>					<b>\$710.00</b>

5. ☐ Charge \$ \_\_\_\_\_ to Deposit Account No. 02-4800 for the fee due.
6. ☒ A check in the amount of \$ 710.00 is enclosed for the fee due.
7. ☒ The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.
8. ☒ Cancel in this application original claims 2-23 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)



21839

9. ☐ New drawings are enclosed.
10. ☒ Priority of Application No. 94 14470 filed on December 1, 1994 in France (country) is claimed under 35 U.S.C. § 119.
- ☒ The certified copy of the priority application
- ☐ is enclosed.
- ☒ was filed in the International Receiving Office in PCT/FR95/01590, filed on December 1, 1995, and acknowledged by the Examiner on April 2, 2001 in the Notice of Allowability in parent Application Serial No. 09/467,952.
- ☐ has not yet been filed.
11. ☒ Please amend the specification by inserting before the first line the sentence:
- ☐ --This application is a ☐ continuation ☐ divisional of Application No. \_\_, filed on \_\_.--
- ☒ --This application is a ☐ continuation ☒ divisional of U.S. Application Serial No. 09/467,952, filed on December 21, 1999, which is a divisional of Application Serial No. 08/682,794, filed on August 1, 1996, which is a national stage filing under 35 U.S.C. § 371 of International Application No. PCT/FR95/01590 filed on December 1, 1995, which International Application ☐ was ☒ was not published by the International Bureau in English on June 6, 1996 ---.
- ☐ --This application is a ☐ continuation ☐ divisional of U.S. Application No. \_\_, filed on \_\_, which was a continuation of International Application No. \_\_, filed on \_\_, which International Application ☐ was ☐ was not published by the International Bureau in English on \_\_.--
12. ☒ A preliminary amendment is enclosed.
13. ☒ An Information Disclosure Statement Transmittal, an Information Disclosure Statement, and one(1) PTO 1449 Form listing 21 documents.
14. ☐ A General Authorization for Payment of Fees and Petitions for Extensions of Time is enclosed.
15. ☒ Also enclosed is a Request To Use Computer Readable Form From Parent Application Pursuant to 37 C.F.R. § 1.821(e), a Declaration Pursuant to 37 C.F.R. §§ 1.821-.825, a paper copy of the Third Substitute Sequence Listing, and a Submission of Formal Drawings with 4 sheets of drawings.



21839

16. [X] The power of attorney in the prior application is to Norman H. Stepno and other attorneys at Burns, Doane, Swecker & Mathis, L.L.P.
- a. [X] The power appears in the original papers in the prior application.
  - b. [ ] Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
  - c. [X] Recognize as Associate Attorney Susan M. Dadio, Reg. No. 40,373.
  - d. [X] Address all future communications to: (May only be completed by applicant, or attorney or agent of record.)

Norman H. Stepno  
BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
P.O. Box 1404  
Alexandria, Virginia 22313-1404

Date: August 27, 2001

By: *Susan M. Dadio* Reg No. 40,373  
Norman H. Stepno  
Registration No. 22,716

ADDRESS OF SIGNATOR:

BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620

- [ ] inventor(s)
- [ ] assignee of complete interest
- [X] attorney or agent of record
- [ ] filed under 37 C.F.R. § 1.34(a)



21839